

Atty. Dkt. No. 074022-3303

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 92 is requested to be cancelled without prejudice. Claims 51, 58, and 67 have been amended herein. After amending the claims as set forth above, claims 51-82 and 93 are now pending in this application. Support for the amendments to claims 51, 58, and 67 can be found throughout the application, for example at pages 37, line 29 to 38, line 1.

Interview Summary

The undersigned appreciates the courtesies extended by the Examiner during the personal interview conducted on January 13, 2005. It was agreed that the amendments to the claims, included herein, resolve all issues with respect to section 102 and 103 rejections. It was also agreed that the claims are patentably distinct over U.S. Patent No. 5,468,606, and that a terminal disclaimer would not be needed. Finally, it was agreed that Applicants would file a terminal disclaimer to obviate the provisional rejection of Claims 51-82 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 7, 11, 23-34 and 38-50 of copending Application No. 08/950,963. This terminal disclaimer is attached herewith.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 074022-3303

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 1/18/05By Barry Wilson

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431